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<b>To: Commissioner for Patents for Examiner Adnan M. Mirza Group Art Unit 2145</b>	<b>Facsimile No.: 571/273-8300</b>
<b>From: Michele Morrow Legal Assistant to Francis Lammes</b>	<b>No. of Pages Including Cover Sheet: 32</b>
<b>Message:</b>  <b>Enclosed herewith:</b> <ul style="list-style-type: none"><li>• Transmittal Document;</li><li>• Response to Notification of Non-Compliant Appeal Brief;</li><li>• Copy of Notification of Non-Compliant Appeal Brief; and</li><li>• Amended Appeal Brief.</li></ul>	
<b>Re: Application No. 09/613,407 Attorney Docket No: GB9-2000-0017-US1</b>	
<b>Date: Friday, February 10, 2006</b>	
<b>Please contact us at (972) 385-8777 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile.</b>	<i>This Facsimile is intended only for the use of the addressee and, if the addressee is a client or their agent, contains privileged and confidential information. If you are not the intended recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by telephone and return the facsimile to us immediately.</i>

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Innes

Serial No.: 09/613,407

Filed: July 11, 2000

For: Database Synchronisation for  
Mobile Computing Devices

36736

PATENT TRADEMARK OFFICE  
CUSTOMER NUMBER

§	Group Art Unit: 2145
§	
§	Examiner: Mirza, Adnan M.
§	
§	Attorney Docket No.: GB9-2000-0017-US1
§	<u>Certificate of Transmission Under 37 C.F.R. § 1.8(a)</u>
§	I hereby certify this correspondence is being transmitted via facsimile to
§	the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-
§	1450, facsimile number (571) 273-8300 on February 10, 2006.
§	By: <u>Michele Morrow</u>
	Michele Morrow

TRANSMITTAL DOCUMENTCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

ENCLOSED HERewith:

- Response to Notification of Non-Compliant Appeal Brief;
- Copy of Notification of Non-Compliant Appeal Brief; and
- Amended Appeal Brief (37 C.F.R. 41.37).

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0461. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0461.

Respectfully submitted,

Francis Lammes

Francis Lammes

Registration No. 55,353

Agent for Applicant

Duke W. Yee

Registration No. 34,285

Attorney for Applicant

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FEB 10 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Innes

Serial No.: 09/613,407

Filed: July 11, 2000

For: Database Synchronisation for  
Mobile Computing Devices§  
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Group Art Unit: 2145

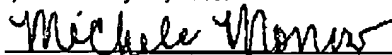
Examiner: Mirza, Adnan M.

Attorney Docket No.: GB9-2000-0017-US1

Certificate of Transmission Under 37 C.F.R. § 1.8(a)

I hereby certify this correspondence is being transmitted via facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number (571) 273-8300, on February 10, 2006.

By:

  
Michele MorrowRESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0461. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0461.

In response to the Notification of Non-Compliant Appeal Brief dated January 23, 2006, please reconsider the above-identified application as follows:  
Remarks begin on page 2 of this paper.

**REMARKS**

Claims 1-23 are on appeal in the present application. The Examiner has issued a Notification of Non-Compliant Appeal Brief stating:

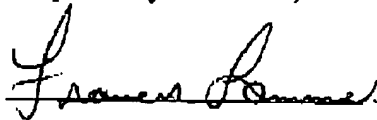
One of the independent claim 13 contains subject matter that should be excluded from the Appeal Brief. Also applicant has typo error regarding considering the dates of the amended claims.

Appellant thanks the Examiner for bringing the error with regard to claim 13 to the Appellant's attention and, thus, Appellant submits herewith a Amended Appeal Brief, which indicates a correct copy of the appealed claims and that is believed to be in full compliance with 37 CFR 41.37.

With regard to a typographical error of the dates of the amended claims, Appellant does not find an existing issue with the July 1, 2005 filing date of the Response which included the amendments nor the July 27, 2005 mailing date of the Examiner's Advisory Action. Since the Notification of Non-Compliant Appeal Brief does not detail what the error is, Appellant's respectfully submit the Status of Amendments is correct.

DATE: February 10, 2006

Respectfully submitted,



Francis Lammes  
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Agent for Applicant

REC'D JAN 25 2006



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,407	07/11/2000	Brian Innes	GB9-2000-0017-US1	1288
23239 <i>Hinton</i> 01/23/2006 IBM CORPORATION 3039 CORNWALLIS RD. DEPT. T81 / B503, PO BOX 12195 RESEARCH TRIANGLE PARK, NC 27709				
EXAMINER				
ART UNIT		PAPER NUMBER		

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## CLIENT DOCKET INFORMATION

Client Name: *GB9-2000-0017-US1*

File No.

DATE

ACTION DOCKETED

*Response to Notice of Non-Compliance*Docketed By: *AG*Date: *01-26-05*Checked By: *AG*Date: *1-26-05*Attorney Initials: *J*Date: *1/26/06*

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FEB 10 2006

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	Application No. 09/613,407	Applicant(s) INNES, BRIAN	
	Examiner Adnan M. Mirza	Art Unit 2145	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 10/11/2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within ONE MONTH or THIRTY DAYS from the mailing date of this Notification, whichever is longer. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (Including any explanation in support of the above items):

One of the independent claim 13 contains subject matter that should be excluded from the Appeal Brief. Also applicant has typo error regarding considering the dates of the amended claims.

  
JASON CARROONE  
SUPERVISORY PATENT EXAMINER